THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.15590 of 2006

25.8.2006

Between:

Raman Bhai Patel, S/o.Som Bhai Patel
And another

… Petitioner

AND

The Joint Collector-II, Ranga Reddy District
And others

… Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.15590 of 2006

ORDER:

This writ petition is filed assailing the order of the first respondent dated 31.12.2005 in Case No.D5/3092/2002 passed in exercise of powers under Section 9 of A.P. Rights in Land and Pattadar Pass Books Act, 1971 (the Act, for brevity). By impugned order, the first respondent declined to exercise revisional jurisdiction observing that as the case involves a dispute regarding title, the petitioners and fourth respondent herein may approach the Civil Court for resolution of the dispute.

A part of the land admeasuring Acs.4.08 guntas in survey No.494 and another part of the land admeasuring Acs.0.30 guntas in survey No.493 situated at Turkayamjal Village of Hayath Nagar Mandal in Ranga Reddy District originally belonged to one Mohammad Akbar and two others. They sold this land to one T.R.Seshagiri Rao under a registered sale deed dated 30.10.1969. The petitioners purchased the property from T.R.Seshagiri Rao under registered sale deed dated 14.4.1978 and got the mutation in their favour. It is the case of the petitioners that from 1982-1983 to 1990-1991, the names of the petitioners were in the revenue records as pattadars. In 1994, the fourth respondent herein filed an application before the third respondent – the Mandal Revenue Officer, Hayathnagar Mandal

(MRO); for mutation of the land admeasuring Acs.6.10 guntas in survey Nos.493 and 494 alleging that he purchased the said land under sale deed dated 10.2.1971 from Mohammad Akbar and others. The petitioners herein filed objection petitions. After considering the same, by an order dated 30.8.1997, the MRO rejected the application of the fourth respondent confirming the notice in favour of the petitioners in Faisal Patti. Aggrieved by the same, the fourth respondent filed appeal before the second respondent – the Special Grade Deputy Collector & Revenue Divisional Officer, East Division, Hyderabad (RDO); who passed orders to the effect that unless and until resettlement and survey of whole village is taken up, the prayer of the fourth respondent cannot be accepted and, therefore, the RDO directed *status quo*. Again the fourth respondent filed an application before the MRO. It is the case of the petitioners that in pursuance thereof, on 16.6.2006, the MRO issued a memo directing the petitioners to submit pattadar passbooks for deleting the entries therein. Feeling aggrieved by the same, the petitioners filed appeal before the RDO, who declined to exercise appellate power by order dated 07.2.2002 observing that the MRO passed orders pursuant to the orders of the RDO. The petitioners, therefore, approached the first respondent by filing a revision under Section 9 of the Act and their revision petition was rejected on 31.12.2005.

At the stage of admission itself, the fourth respondent filed a detailed counter affidavit along with the material documents. He alleged that pursuant to the order of the RDO dated 30.4.1998, the MRO directed the Village Administrative Officer, Turkayamjal, to restore the original entries in the pahanies for the years 1995-1996 and 1996-1997 showing the name of the fourth respondent and so as to make necessary changes in the pattadar passbooks, the petitioners were asked to produce the pattadar passbooks. Therefore, the fourth respondent contends that there is no illegality in the impugned order passed by the first respondent.

Learned Counsel for the petitioners, learned Counsel for the fourth respondent and learned Assistant Government Pleader for Revenue (General) have been heard. The impugned order traced the genesis of the dispute till it reached the revisional authority. The petitioners as well as the fourth respondent claimed the title tracing it to Mohammad Akbar and others. The petitioners contend that as their vendor purchased the property from Mohammad Akbar and others

under registered sale deed dated 30.10.1969, under Sections 48 of the Transfer of Property Act, 1882 (for short 'the Act') the right of the fourth respondent is always subject to their right. Secondly, there is a doubt whether the property claimed by the petitioners on one hand and fourth respondent on the other hand is the same property or form part of larger extent of land comprised in survey Nos.493 and 494 of Turkayamjal Village. Thirdly, pursuant to the orders of the RDO dated 30.4.1998 directing *status quo* to be maintained till resettlement and survey is completed, the name of the fourth respondent was entered in the pahanies at least for two years and presumably for this reason subsequently the RDO also declined to interfere with, and passed the impugned order dated 07.2.2002 against which, the present revision petition is filed. The first respondent considered all these aspects and rightly came to the conclusion that the dispute between the petitioners and fourth respondent can only be resolved in the Civil Court. Under the provisions of the Act, when there is a dispute as to title, the Recording Authority or Appellate Authority or Revisional Authority cannot usurp the jurisdiction and decide the question of title. In that view of the matter, the impugned order is unexceptionable.

The writ petition is devoid of any merit and is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

August 25, 2006.

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